

Minutes of the Special Meeting of the Ankeny City Council
Monday, August 23, 2010 - 5:00 P.M.
Ankeny City Hall – City Council Chambers
410 W. First Street, Ankeny, Iowa
Steven D. Van Oort, Mayor
Dave Kissinger, Mayor Pro Tem
Council Members: Craig Block, Dave Kissinger, Wade Steenhoek, Gary L. Welch

Mayor Van Oort called the meeting to order at 5:05 p.m. Council member Block was absent. City Manager, Carl Metzger was present.

Mayor Van Oort stated Craig Block would be a few minutes late for the meeting.

A. APPROVAL OF AGENDA

ACTION #1. Kissinger made the MOTION to approve and accept the August 23, 2010 agenda, without amendment, seconded by Steenhoek.

ROLL CALL				
2010-0823.01	YES	4	NO	0

Council member Block arrived at 5:10 p.m.

B. NEW BUSINESS

- Appeal Hearing – Vicious Animal
Richard Brown

Mayor Van Oort announced this is the time and place for the hearing of Richard Brown, 1010 NE 25th Ct., Ankeny, Iowa, to appeal the Notice and Order served him on August 16, 2010, by the Ankeny Police Department.

Pursuant to Municipal Code Chapter 57.04, the Notice and Order to safely remove a dangerous or vicious animal from the city was served upon Richard Brown on August 16, 2010. A written notice of appeal was filed in the City Clerk's office by Richard Brown on August 19, 2010.

Richard Brown, 1010 NE 25th Ct., Ankeny, Iowa, addressed the council concerning incidents involving his dogs he has owned for four plus years. As he stated in his appeal filed with the city on August 19th they have had no previous biting or nipping incidents involving his dogs. He stated his lab is not a vicious dog and believes it was a mix up as to which of his dogs bit the jogger on July 20, 2010. He stated he believed it was his weimaraner that got outside his electric fence on July 20 and bit the jogger rather than his lab as reported. He requested they be able to keep their lab as a family pet. He stated the dogs' rabies vaccinations have been updated and their lab will be neutered tomorrow.

Councilor Kissinger inquired as to whether his lab was licensed with the City of Ankeny.

Richard Brown stated no, he was not aware the dog license was mandatory.

Councilor Steenhoek desired clarification that Mr. Brown believed this was a case of mistaken identity between his lab and his weimaraner.

Richard Brown stated yes he believes it was a case of mistaken identity between his two dogs.

City Manager, Carl Metzger, inquired as to whether the lab and weimaraner were similar in color.

Mr. Brown stated his lab is a chocolate lab and his weimaraner is darkish gray, what they call blue in color.

Lieutenant Makai Echer, Ankeny Police Department, reported a notice and order was served upon Richard Brown pursuant to Municipal Code 57.01 wherein it states a vicious animal can be defined as any animal, including a dog, that has bitten or clawed a person or persons on two separate occasions within a twelve-month period. She stated the notice and order served on Mr. Brown was issued as the result of two biting incidents from his chocolate lab; one, which occurred on July 20; and another, on August 2. On July 20th the chocolate lab bit Jeremy Winter. Two citations were issued at that time for dog at large and failure to have a city pet license. The lab was home quarantined. On August 2, the chocolate lab bit Matt Klein at which time a citation was issued for dog at large and the lab was again home quarantined. She further stated that was a 3rd biting incident reported which is not part of this hearing, which occurred on August 15th wherein the weimaraner bit Jeremy Winter.

Jeremy Winter, 934 Hyacinth Lane, reported that on July 20, 2010, he was jogging on his usual route and on his jog back home the dogs were barking at him. He stated the large chocolate lab came on to the sidewalk and bit him on the upper part of the left leg and then bit him a second time but this time bit his through his MP3 player that was in the pocket of his running shorts. He approached the door of the home where the dog resided to which no one answered. He contacted the police to report the bite incident.

Mayor Van Oort, stated written comments have been received by Matt Klein, the second bite victim who could not be present to present testimony. His written comments will be received and filed for record.

Bob Reid, 1016 NW 32nd, stated on August 2nd, he was traveling south on Delaware and noticed a dog following a man and then lunged at him at which time he decided to stop and check on the man (Matt Klein). He stated it was pretty clear to him it was a chocolate lab that attacked Mr. Klein. He further stated he was very knowledgeable when it came to breeds of dogs as he had worked with a search and rescue crew and had also done some dog training.

ACTION #2. Strait made the motion to close appeal hearing, seconded by Steenhoek.

ROLL CALL				
2010-0823.02	YES	5	NO	0

ACTION #3. Kissinger made the motion to receive and file correspondence received from Matt Klein, dated August 21, 2010, seconded by Welch.

ROLL CALL				
2010-0823.03	YES	5	NO	0

ACTION #4. Kissinger made the motion to affirm the Notice and Order, seconded by Strait.

ROLL CALL

2010-0823.04 YES 5 NO 0

Mayor Van Oort stated the final decision of the council will be prepared in writing and delivered to Richard Brown by August 26, 2010 at 5:00 p.m.

- Request for Executive Session

ACTION #5. Kissinger made the MOTION that Council go into Executive Session, pursuant to the provisions of Iowa Code Chapter 21.5, sub-paragraph (c)“ to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation”, seconded by Steenhoek.

ROLL CALL

2010-0823.05 YES 5 NO 0

Council went into executive session at 5:27 p.m.
Council reconvened to regular session at 6:05 p.m.

- Proposed SE Tributary (B) to Four Mile Creek Stream Stabilization Project
Initiating Proceedings

ACTION #6. Strait made the MOTION to adopt RESOLUTION 2010-221 ordering construction of certain public improvements and fixing a date for hearing thereon and taking of bids therefore, seconded by Kissinger. (date of bid-letting: 9/14/10 @ 10:30 a.m./date of hrg: 9/20/10 @ 5:30 p.m.)

ROLL CALL

2010-0823.06 YES 5 NO 0

- Proposed City of Ankeny Business Park Development Strategy

Tim Moerman, Director of Economic Development, discussed the logic behind adoption of the Business Park Development Strategy, as well as, looked at steps that need to be taken to develop the Crosswinds Business Park. He stated there will be two phases for the Crosswinds Business Park with Phase 1 being a roadway constructed from Corporate Woods Drive south and then east to Four Mile Drive and Phase II being a roadway along the westside of Crosswinds Business Park. The strategy being proposed is to apply for RISE funds for the construction of roadway and utilities and the city would temporarily finance a portion of the project until reimbursed by the property owners.

Paul Moritz, Public Works Director, presented a graphic and explained Phase 1 of the roadway proposed for the Crosswinds Business Park.

ACTION #7. Block made the MOTION to adopt RESOLUTION 2010-222, adopting the City of Ankeny's Business Park Development Strategy, seconded by Welch.

ROLL CALL

2010-0823.07 **YES 5 NO 0**

- Proposed Grant Application
Iowa Department of Transportation's Revitalizing Iowa's Sound Economy (R.I.S.E.) Program

ACTION #8. Welch made the MOTION to adopt RESOLUTION 2010-223, endorsing a grant application for funding through the Iowa Department of Transportation's Revitalizing Iowa's Sound Economy (R.I.S.E.) Program for the Crosswinds Business Park Roadway Extension Project, seconded by Strait.

ROLL CALL

2010-0823.08 **YES 5 NO 0**

C. ADJOURNMENT

ACTION #9. There being no further business, Strait made the MOTION to adjourn, seconded by Steenhoek. (6:18 P.M.)

ROLL CALL

2010-0823.09 **YES 5 NO 0**

Pamela DeMouth, City Clerk

Steven D. Van Oort, Mayor

The context of the above meeting will be submitted for council action at their next regular meeting on September 7, 2010.

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